UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,580	11/07/2001	Glenn R. Engel	10003418-1	8127

7590 01/12/2007	EXAMINER
AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration P.O. Box 7599 Loveland, CO 80537-0599	LAZARO, DAVID R

ART UNIT	PAPER NUMBER
2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/005,580	ENGEL, GLENN R.
	Examiner	**Art Unit**	
	David Lazaro	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 October 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>4-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>4-15</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed 10/23/2006.

2.   Claims 4 and 11 were amended.

3.   Claims 1-3 are canceled.

4.   Claims 4-15 are pending in this office action.

Response to Amendment

5.   Applicant's arguments filed 10/23/2006 have been fully considered but they are

not persuasive. See Response to Arguments. As such, the grounds of rejection for

claims 5-10 and 12-15 as presented in the 07/26/2006 office action, are respectfully

maintained.

6.   Applicant's arguments with respect to claims 4 and 11 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 6,405,111 by Rogers et al. (Rogers) in view of U.S. Patent 6,104,875 by

Gallagher et al. (Gallagher).

9.   With respect to Claim 4, Rogers teaches a data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 lines 20-38);

an interface for connecting said data collection node to a computer network (Col. 8 line 60 - Col. 9 line 22); and

a controller for generating data based on measurements of said received signals and communicating that data to a server via said computer network (Col. 9 line 66 - Col. 10 line 14),

wherein said controller communicates said data via HTTP (Col. 9 lines 11-22)

wherein said controller receives data from said server that determines a measurement to be made by said controller (Col. 9 lines 23-65 - controller may be connected to any number of sensors where a specific network controller (server) will provide appropriate specifications according to the sensor type).

Rogers does not explicitly teach the controller receiving commands from a user at a location remote from said node, said commands altering a measurement made by said controller. Gallagher teaches a controller device (Col. 4 lines 30-50) that receives commands from a user at a remote location, the commands altering a measurement made by the controller (Col. 5 line 62 - Col. 6 line 30: programming data and function routines entered by user and downloaded to controller which configure the controller's handling of the sensor signals).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the node disclosed by Rogers and modify it as indicated by Gallagher such that it further comprises wherein said controller receives data from said

server that determines a measurement to be made by said controller and commands

from a user at a location remote from said node, said commands altering a

measurement made by said controller. One would be motivated to have this as it is

desirable to be able to be able to configure a controller after its initial configuration (In

Gallagher: Col. 2 lines 49-56).

10.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in

view of U.S. Patent 6,920,495 by Fuselier et al. (Fuselier).

11.   With respect to Claim 5, Rogers teaches a data collection node comprising:

        an interface for receiving signals from a sensor (Col. 8 lines 20-38);

        an interface for connecting said data collection node to a computer network (Col.

8 line 60 - Col. 9 line 22); and

        a controller for generating data based on measurements of said received signals

and communicating that data to a server via said computer network (Col. 9 line 66 - Col.

10 line 14),

        Rogers does not explicitly disclose said controller communicates with said server

via a proxy server on said computer network. However, Fuselier teaches that web

servers typically implement a security firewall (Col. 15 lines 56-66). The firewall limits

access to authorized users only (Col. 15 lines 56-66). Proxy servers are implemented

in conjunction with firewalls so that valid messages will be forwarded through the

firewall (Col. 15 line 56 - Col. 16 line 5).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the data collection node disclosed by Rogers and modify it

as indicated by Fuselier such that the node further comprises wherein said controller

communicates with said server via a proxy server on said computer network. One

would be motivated to have this, as it is desirable to prevent unauthorized access to a

server while not prohibiting valid messages (In Fuselier: Col. 15 lines 56 - Col. 16 line

5).

12.   Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rogers in view of U.S. Patent 6,085,243 by Fletcher et al. (Fletcher).

13.   With respect to Claim 6, Rogers teaches a data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 lines 20-38);

an interface for connecting said data collection node to a computer network

having a segment that is part of the Internet (Col. 8 line 60 - Col. 9 line 24); and

a controller for generating data based on measurements of said received signals

and communicating that data to a server via said computer network (Col. 9 line 66 - Col.

10 line 14),

Rogers does not explicitly disclose a clock for generating time readings that are

included with data that is communicated to said server. Fletcher teaches a data

collection node that includes a clock for generating time readings that are included in

the collected data sent to the server (Col. 10 lines 1-33). This allows collected

information to be properly ordered and provide meaningful information (Col. 10 lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the data collection node disclosed by Rogers and modify it as indicated by Fletcher such that the node further comprises a clock for generating time readings that are included with data that is communicated to said server. One would be motivated to have this, as it is desirable to have properly ordered and meaningful data (In Fletcher: Col. 10 lines 1-8).

14.   With respect to Claim 7, Rogers further teaches wherein said clock is set via a message received from said server (In Fletcher: Col. 10 lines 1-33).

15.   Claim 8-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of U.S. Patent 6,490,617 by Hemphill et al. (Hemphill).

16.   With respect to Claim 8, Rogers teaches a method for operating a computer network to collect data, said method comprising the steps of:

providing a data collection node connected to said network (Col. 8 line 60 - Col. 9 line 22 and Col. 8 line 60 - Col. 9 line 22), said data collection node comprising:

an interface for receiving signals from a sensor (Col. 8 line 60 - Col. 9 line 22);

a controller for generating data based on measurements of said received signals and communicating that data to a sever via said computer network (Col. 9 line 66 - Col. 10 line 14);

causing said controller to send a message to said server containing data

generated by said controller (Col. 9 line 66 - Col. 10 line 14).

Rogers does not explicitly disclose causing said server to provide a web page for

accessing data generated by said controller in response to receiving a registration

message from said controller and causing said controller to send a message to said

server containing data generated by said controller after said controller sends said

registration message. Hemphill teaches registrations techniques are known in the art

(Col. 1 lines 13-44). Hemphill further teaches a data collection node which sends a

registration message to a server (Col. 10 lines 19-67) which initiates the management of

the node by the server (Col. 2 lines 1-13). After management of the device begins (in

response to the registration message), the information from the node can be sent to the

server and is further available through a web page (Col. 5 lines 3-29 and Col. 5 line 64 -

Col. 6 line 12).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Rogers and modify it as indicated

by Hemphill such that the method further comprises causing said server to provide a

web page for accessing data generated by said controller in response to receiving a

registration message from said controller; and causing said controller to send a

message to said server containing data generated by said controller after said controller

sends said registration message. One would be motivated to have this, as it is

desirable to provide information about devices at the time of discovery (In Hemphill: Col.

1lines 52-59).

17.   With respect to Claim 9, Rogers further teaches the step of causing said

controller to send a registration message to said server prior to communicating said

data to said server (In Hemphill: Col. 10 lines 19-67 and Col. 5 lines 3-29).

18.   With respect to Claim 10, Rogers further teaches said controller communicates

said message containing said data via HTTP (In Rogers: Col. 9 lines 11-22) and (In

Hemphill: Col. 2 lines 46-63 and Col. 9 lines 35-46).

19.   With respect to Claim 15, Rogers further teaches the step of providing access to

said web page via the Internet (In Rogers Col. 9 lines 11-24) and (In Hemphill: Col. 4

lines 10-13).

20.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers

in view of Hemphill as applied to claim 8 above, and further in view of Fuselier.

21.   With respect to Claim 12, Rogers in view of Hemphill teaches all the limitations of

Claim 8 but does not explicitly disclose said controller communicates with said server

via a proxy server on said computer network. However, Fuselier teaches that web

servers typically implement a security firewall (Col. 15 lines 56-66). The firewall limits

access to authorized users only (Col. 15 lines 56-66). Proxy servers are implemented

in conjunction with firewalls so that valid messages will be forwarded through the

firewall (Col. 15 line 56 - Col. 16 line 5).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Rogers in view of Hemphill and

modify it as indicated by Fuselier such that the node further comprises wherein said

controller communicates with said server via a proxy server on said computer network.

One would be motivated to have this, as it is desirable to prevent unauthorized access

to a server while not prohibiting valid messages (In Fuselier: Col. 15 lines 56 - Col. 16

line 5).

22.   Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rogers in view of Hemphill as applied to claim 8 above, and further in view of

Fletcher.

23.   With respect to Claim 13, Rogers in view of Hemphill teaches all the limitations of

Claim 8, but does not explicitly disclose a clock for generating time readings that are

included with data that is communicated to said server. Fletcher teaches a data

collection node that includes a clock for generating time readings that are included in

the collected data sent to the server (Col. 10 lines 1-33). This allows collected

information to be properly ordered and provide meaningful information (Col. 10 lines 1-

8).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Rogers in view of Hemphill and

modify it as indicated by Fletcher such that the node further comprises a clock for

generating time readings that are included with data that is communicated to said

server. One would be motivated to have this, as it is desirable to have properly ordered

and meaningful data (In Fletcher: Col. 10 lines 1-8).

24.   With respect to Claim 14, Rogers in view of Hemphill and in further view of

Fletcher teaches all the limitations of Claim 13 and further teaches the step of resetting

said clock to a time determined by a message received from said server (In Fletcher:

Col. 10 lines 1-33).

25.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers

in view of U.S. Patent 6,490,617 by Hemphill et al. (Hemphill) and in further view of

Gallagher.

26.   With respect to Claim 11, Rogers in view of Hemphill further teaches wherein

said controller receives data from said server that determines a measurement to be

made by said controller (In Rogers: Col. 9 lines 23-65 - controller may be connected to

any number of sensors where a specific network controller (server) will provide

appropriate specifications according to the sensor type).

       Rogers in view of Hemphill does not explicitly disclose the controller receiving

commands from a user at a location remote from said node, said commands altering a

measurement made by said controller. Gallagher teaches a controller device (Col. 4

lines 30-50) that receives commands from a user at a remote location, the commands

altering a measurement made by the controller (Col. 5 line 62 - Col. 6 line 30:

programming data and function routines entered by user and downloaded to controller

which configure the controller's handling of the sensor signals).

       It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Rogers and Hemphill and modify it

as indicated by Gallagher such that it further comprises wherein said controller receives

data from said server that determines a measurement to be made by said controller and

commands from a user at a location remote from said node, said commands altering a

measurement made by said controller. One would be motivated to have this as it is

desirable to be able to be able to configure a controller after its initial configuration (In

Gallagher: Col. 2 lines 49-56).

Response to Arguments

27.   Applicant's arguments filed 10/23/2006 have been fully considered but they are

not persuasive.

28.   Applicant argues on page 5 of the remarks - "*As pointed out in the present

application, if communications begin on the data collection node side of the firewall, no

proxy server is needed for the return message to penetrate the firewall. Hence, there is

no need for the proxy server in the system taught in Rogers.*"

     a.   Examiner's response - The examiner notes the fact that applicant has

     recognized another advantage which would flow naturally from following the

     suggestion of the prior art cannot be the basis for patentability when the

     differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60

     (Bd. Pat. App. & Inter. 1985). Particularly, while the firewall discussed in

     applicant's specification may not require a proxy, that is not necessarily the case

     given combination of Rogers and Fuselier. Applicant has not provided any

     evidence from the cited references themselves as to why one of ordinary skill in

the art would not make the combination. The claim language simply calls for "wherein said controller communicates with said server via a proxy server on said computer network". The combination of Rogers and Fuselier shows such subject matter is obvious and further provides motivation to make the combination.

29.   Applicant argues on page 6 of the remarks - *"The Examiner's motivation assumes that different data sets are sent to the server of Rodgers from the data collector at the mechanic's work station and that the data sets are stored there for some period of time so that the time at which the measurements were made has some significance. As noted above, Rodgers only teaches sending data to the server for processing the data. The processed data is then sent back to the server. There is no teaching that the server stores the data after the server processes the data. Furthermore, the data is sent in a reply message, and hence the data is returned to the data collection controller with a tag that uniquely identifies the data. Hence, there is no reason to provide a clock and time stamp on the data."*

b.   Examiner's response - Applicant's arguments seem to indicate that there are not different data sets and that any data sent is not stored. Col. 11 lines 10-67 of Rodgers explicitly describes situation of accessing a history of collected data according to particular cars related to car owners. As such, the data is being stored related to the collected measurements and is furthermore historical in nature. Such a system would clearly benefit teachings of Fletcher in providing order and meaning to collected data.

30.   Applicant argues on page 7 of the remarks - *"First, Claim 8 requires that the web page provide access to data generated by the controller from signals received from the sensors. The only reason to do this through a web page is so that someone connected to the server at a site that is different from that at which the data is collected can view the data. In the Rodgers system, any raw data sent to the server is processed and returned to the data input controller for viewing on the local display. Hence, there is no teaching with respect to a person other than the operator of the data input controller viewing the data. Since that data is already on the data input controller and is displayed on the local terminal, there is no reason to display it on a web page on the server. Furthermore, the information displayed in the web page recited in Claim 8 is information from the sensors, not information about the devices at the time of discovery."*

c.   Examiner's response - While the examiner does not see any evidence to support *"The only reason to do this through a web page is so that someone connected to the server at a site that is different from that at which the data is collected can view the data"*, the examiner notes the system of Rodgers explicitly discusses accessing the collected data in remote manner. Col.10 lines 55-66 describes such functionality, explicitly stating "a web browser or server 120 anywhere in the world can access the aligner system". Applicant's arguments are not persuasive.

Conclusion

31.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Lazaro whose telephone number is 571-272-

3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.
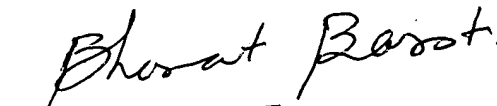
Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David Lazaro
January 5, 2007

BHARAT BAROT
PRIMARY EXAMINER